

## **REMARKS**

The Office Action dated November 25, 2005, has been received and carefully noted. The above amendments to the specification and claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-45 are currently pending in the application, of which claims 1, 18-20 and 35 are independent claims. Claims 1, 15, 18-20, 32, and 35 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 1-45 are respectfully submitted for consideration.

### **Double Patenting Rejections**

Claims 1-45 were provisionally rejected under 35 U.S.C. 101, apparently for “same-type” double-patenting, which seems to have been misidentified by the Office Action as “non-statutory” double-patenting, over U.S. Patent Application No. 10/475,831 (“the ‘831 application”). Applicants respectfully submit that rejections under 35 U.S.C. 101 are statutory, rather than non-statutory. Applicants respectfully traverse the rejection.

The claim language differs substantially between claims 1-32 of the ‘831 application and the present application. Additionally, the claims of the ‘831 application have been amended, and it is not clear from the rejection whether the claims of the ‘831 application are being considered in their amended state. For example, the ‘831 application contains a claim 33, which was not mentioned in the rejection.

Thus, Applicants respectfully request explanation and clarification of the rejection, if the rejection is to be maintained. Because of the dissimilarities between the claim language of the '831 application and claims 1-45 of the present application, withdrawal of the rejection is respectfully requested.

### **Specification Objections**

The Abstract was objected to as being in an improper form because the term “means” was used several times. A Substitute Abstract has been supplied, and it is respectfully submitted that the Substitute Abstract renders this objection moot.

### **Claim Rejections under 35 U.S.C. 102(e)**

Claims 1-42 and 45 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,775,534 of Lindgren et al. (“Lindgren”). Applicants respectfully submit that the claims recite subject matter that is neither disclosed nor suggested in Lindgren.

Claim 1, upon which claims 2-17 depend, is directed to a method of supporting emergency calls in a mobile communications network. The method includes receiving a network access from a user equipment, receiving network access information relating to said user equipment, selectively controlling access to the network in dependence on said network access information, and disabling the step of selectively controlling access to the network for an emergency call network access.

Claim 18 is directed to a computer program product including computer program code, the computer program code adapted to perform a method. The method includes receiving a network access from a user equipment, receiving network access information relating to said user equipment, selectively controlling access to the network in dependence on said network access information, and disabling the step of selectively controlling access to the network for an emergency.

Claim 19 is directed to a computer program product comprising a computer useable medium having computer readable code embodied therein for supporting emergency calls in a mobile communications network, the computer program product adapted when executed on a computer to perform steps. The steps include receiving a network access from a user equipment, receiving network access information relating to said user equipment, selectively controlling access to the network according to said network access information, and disabling the step of selectively controlling access to the network for an emergency call network access.

Claim 20, upon which claims 21-34 depend, is directed to a network element for enabling emergency calls in a network. The network element includes network access request receiving means for receiving a network access request from a user equipment, network access information receiving means for receiving network access information relating to said user equipment, selection means for selectively controlling network access for the user equipment in dependence on said network access information, and disabling means for disabling the selection means for an emergency call network access.

Claim 35, upon which claims 36-45 depend, is directed to a communication system including an access network, a core network, and at least one user equipment for connection to the core network through the access network. The access network includes means for receiving a request for a network access from the user equipment, means for receiving network access information relating to the user from the core network, means for selectively controlling access to the core network for the UE in dependence on said network access information, means for identifying a request for an emergency call, and means for disabling the means for selectively controlling access to the network responsive to identification of the emergency call.

Certain embodiments of the present invention can advantageously permit users access to a core network in the case of an emergency by disabling selective access control. In particular, users that would normally not be authorized to access the network can be permitted to access the network if it is an emergency.

Applicants respectfully submit that Lindgren does not disclose or suggest all of the elements of any of the presently pending claims, and therefore cannot provide the critical and unobvious advantages described above.

Lindgren generally relates to allowing a mobile station to make a voice over IP (VoIP) call at a **time** when other calls would not be permitted. In particular, Lindgren describes two embodiments. In the first embodiment, as described in Figure 1 and columns 2 and 3 of Lindgren, the phone initiates a call with “activation messages each including an indication that this is an emergency call.” (column 1, lines 54-56) Later the

“SGSN recognises the received emergency call indication and the SGSN will then not stop the call setup process.” (column 1, lines 61-65)

The second embodiment, described in Figure 4 and columns 4-6 of Lindgren, involves a mobile station with no Subscriber Identity Module (SIM) card. (column 4, lines 19-22) It is evident that in this second case there can be no subscriber information to associate and interrogate before the call is accepted. This embodiment goes further to describe limiting the access to emergency calls only for this no-SIM device.

In neither embodiment of Lindgren is there disclosure or suggestion of retrieving and disabling the use of the Network Access Information. In the description of the second embodiment there is even specific reference made to the SGSN not needing “to contact the Home Location Register (HLR) of the mobile station subscriber.” (column 4, lines 48-49)

In both Figure 1 and Figure 4 there are arrows indicating the PDP context requests, responses, and the like. There is, however, no indication that Network Access Information is ever retrieved or even requested.

Consequently the system of Lindgren is susceptible to the emergency call being blocked if the Network Access Information is subsequently received by the controller. This could occur if the mobile station initiated another connection during the emergency call, or the mobile station moved to a new controller.

The independent claims (1, 18-20, and 35) each recite “receiving network access information relating to said user equipment.” Applicants respectfully submit that this feature is neither disclosed nor suggested by Lindgren.

As explained above, Lindgren does not discuss receiving network access information and does not perform any subsequent steps based on network access information. Accordingly, Lindgren also does not disclose or suggest the additional features of “selectively controlling access to the network in dependence on **said network access information**” (claims 1, 18, and 20), “selectively controlling access to the network according to **said network access information**” (claim 19), “selectively controlling access to the core network for the user equipment in dependence on **said network access information**” (claim 35).

Accordingly, it is respectfully submitted that Lindgren fails to disclose or suggest all of the elements of claims 1, 18-20, and 35. Claims 2-17, 21-34, 36-42, and 45 depend from claims 1, 20, and 35 respectively, and recite additional limitations. Thus, it is respectfully submitted that each of claims 2-17, 21-34, 36-42, and 45 recites subject matter that is neither disclosed nor suggested in Lindgren. Accordingly, it is respectfully requested that the rejection of claims 1-42 and 45 be withdrawn.

#### **Claim Rejections under 35 U.S.C. 103(a)**

Claims 43-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lindgren in view of U.S. Patent No. 6,594,492 of Choi et al. (“Choi”). Applicants

respectfully submit that the claims recite subject matter that is neither disclosed nor suggested in the combination of Lindgren and Choi.

Claims 43-44 depend from claim 35. The deficiencies of Lindgren with regard to claim 35 are discussed above. Applicants respectfully submit that the combination of Lindgren and Choi has at least the same deficiencies, because Choi does not remedy the above-described deficiencies of Lindgren.

Choi generally relates to anchor MSC information retrieval from a serving MSC following a completed inter-exchange handoff. As can be seen at column 5, lines 48-52, Choi is only concerned with operations surrounding inter-exchange handoffs. In particular, as can be seen at column 6, lines 42-52, Choi addresses – in one embodiment – a handoff in the context of an emergency services call. However, as Choi explains, what is of interest is “an information request message” within that context. Choi is not concerned with network access. As Choi goes on to explain at column 4, line 53 to column 5, line 31, the “information request message” may be a request for location information of the mobile station 506. Thus, Choi does not disclose or suggest anything having to do with network access information or requests in the context of an emergency services call.

Accordingly, Choi is understandably silent as to “receiving network access information relating to said user equipment” and “selectively controlling access to the core network for the user equipment in dependence on said network access information” as recited by claim 35 and therefore by claims 43-44 by virtue of their dependency on

claim 35. Thus, it is respectfully submitted that Choi fails to remedy the above-described deficiencies of Lindgren.

Therefore, it is respectfully submitted that the combination of Lindgren and Choi fails to disclose or suggest all of the elements of claims 43-44, and it is respectfully requested that the rejection of claims 43-44 be withdrawn.

### **Conclusion**

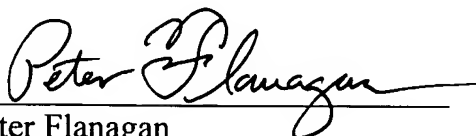
For the reasons explained above, it is respectfully submitted that each of claims 1-45 recites subject matter that is neither disclosed nor suggested in the cited references. It is therefore respectfully requested that all of claims 1-45 be allowed, and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.



In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
Peter Flanagan  
Registration No. 58,178

**Customer No. 32294**  
SQUIRE, SANDERS & DEMPSEY LLP  
14<sup>TH</sup> Floor  
8000 Towers Crescent Drive  
Tysons Corner, Virginia 22182-2700  
Telephone: 703-720-7800  
Fax: 703-720-7802

PCF:kmp

Enclosures: Petition for a Two-Month Extension of Time  
Check No. 14348